

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:13-cv-00098-MR**

<b>DOUGLAS ESPOSITO,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
	)	
<b>WAL-MART STORES, INC. and</b>	)	
<b>HARTFORD LIFE AND</b>	)	
<b>ACCIDENT INSURANCE CO.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the Court on the Plaintiff's Motion to Amend Complaint [Doc. 14].

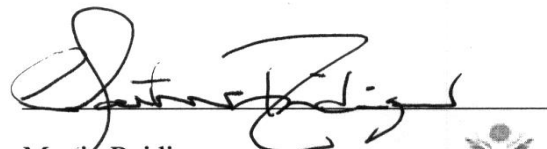
Rule 15 of the Federal Rules of Civil Procedure provides that "[a] party may amend its pleading once as a matter of course within . . . 21 days after service of a motion under Rule 12(b) . . . ." Fed. R. Civ. P. 15(a)(1)(B). The Plaintiff filed his Motion to Amend less than 21 days after the Defendants filed their Motions to Dismiss under Rules 12(b)(1) and 12(b)(6). Accordingly, the Plaintiff has the right to amend his Complaint with or without leave of court. See Galustian v. Peter, 591 F.3d 724, 730 (4<sup>th</sup> Cir. 2010).

**IT IS, THEREFORE, ORDERED** that the Plaintiff's Motion to Amend Complaint [Doc. 14] is **GRANTED**, and the Plaintiff shall file his Amended Complaint within seven (7) days of the entry of this Order.

**IT IS FURTHER ORDERED** that the Defendants' Motions to Dismiss [Docs. 10, 12] are **DENIED WITHOUT PREJUDICE** to re-filing the same after the Plaintiff has had an opportunity to amend his Complaint.

**IT IS SO ORDERED.**

Signed: June 12, 2013

  
Martin Reidinger  
United States District Judge

